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PATENT  
Attorney Docket No. 56490.000002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

David VERCHERE

Serial Number: 09/441,204

Filed: November 16, 1999

Group Art Unit: 2165

Examiner: Carlos A. Azpuru

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SEP 06 2001  
TECH CENTER 1600/2900  
#91

For: METHOD AND SYSTEM FOR ACQUIRING BRANDED PROMOTIONAL  
PRODUCTS

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

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SEP 10 2001

Technology Center 2100

**RESPONSE TO PAPER NO. 7**

In the Office Action dated July 6, 2001, Examiner Azpuru indicated that claims 1-20 have been rejected under 35 U.S.C. § 102(a) as being anticipated by M2 Presswire. In particular, Examiner Azpuru has indicated that M2 Presswire discloses a system for acquiring branded promotional comprising a database containing product information, a branded promotional website having the customer's personal brand, and a processor for making transactions.

In citing the applied reference, Examiner Azpuru appears to have relied upon a redacted version of the reference (i.e., results of a search inquiry) with incomplete phrases, resulting in an incoherent description of the reference. After retrieving the full text and upon further analysis of the Open Market reference, Applicant respectfully disagrees and contends that the Open Market reference does not anticipate the claimed invention.



21967

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The Open Market reference discloses a dynamic catalogue software system with a customer's branding and products built-in. The Open Market reference teaches a software for enabling a company to provide a catalog of products. While the catalog itself may have a customer's branding (e.g., a personalized catalog), there is no mention of a branded promotional products website providing *products having a customer's personal brand or logo for purchase*.

Therefore, the Open Market reference does not show a database containing product information and a branded promotional products web-site where a customer or reseller accesses the branded promotional products web-site to purchase products having the customer's personal brand or logo, as claimed by Applicant. As each and every claimed element is not shown by the reference cited by the Office Action, the 102(a) is improper and should be withdrawn.